IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

LIPPERT COMPONENTS, INC., a Delaware Corporation; Plaintiff, vs. **NORCO INDUSTRIES, INC.**, a California Corporation, Defendant.	Case No. **JURY TRIAL DEMANDED**

COMPLAINT

Plaintiff Lippert Components, Inc. ("Lippert") complains against Defendant Norco Industries, Inc. ("Norco") and alleges as follows:

PARTIES

1. Lippert is a Delaware corporation having its principal place of business at 3501 County Road 6 East, Elkhart, Indiana 46514. Among other things, Lippert owns, makes, uses, and sells unique, patented, strap bed lifts known as the Project 2000, including in this judicial district. Lippert also owns U.S. Patent No. 8,038,193 ("the '193 patent"), entitled "Strap Bed Lift" which was filed on May 13, 2010 and duly issued on October 18, 2011.

2. Upon information and belief, Norco is a for-profit corporation organized and existing under California law and having a place of business at 365 W. Victoria St., Compton, California 90220. Upon information and belief, Norco is registered to do business in Indiana and has a manufacturing facility located in this judicial district at 2600 Jeanwood Drive, Elkhart,

Indiana 46514. Upon information and belief, Norco makes, sells, and distributes strap bed lifts throughout the United States, including in this judicial district.

JURISDICTION AND VENUE

3. This is a civil action for patent infringement arising under the laws of the United States, including but not limited to 35 U.S.C. § 271, *et seq.* This Court has original subject matter jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.

4. This Court has personal jurisdiction over Norco because, among other things, Norco's manufacturing facility is located in Elkhart, Indiana and because, upon information and belief, Norco engages in substantial, continuous, and ongoing business in this district. In addition, Norco has sufficient minimum contacts with Indiana to support jurisdiction in this district because Norco has transacted business relating to the subject matter of this lawsuit in Indiana and has, thereby, caused damage to Lippert in Indiana. Moreover, personal jurisdiction over Norco is proper due to its infringing activities in and directed to the State of Indiana, including but not limited to making, selling, offering for sale, distributing, and/or advertising its strap bed lifts, which infringe the '193 patent, in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and/or 1400.

GENERAL ALLEGATIONS

Lippert's Rights in the Patent

6. Lippert is the owner, by virtue of assignment, of the entire right, title, and interest in and to U.S. Patent No. 8,038,193 ("the '193 patent"), entitled "Strap Bed Lift," which was filed on May 13, 2010 and granted on October 18, 2011. A copy of the '193 patent is attached hereto as Exhibit A.

7. The ’193 patent covers a lifting mechanism to lift one or more objects, such as a bed, that includes a strap to lift the objects.

8. Lippert has invested substantial time and resources developing its ’193 patent.

9. Lippert makes a strap bed lift called the Project 2000. Lippert is the sole retailer of the Project 2000 strap bed lift.

10. Upon information and belief, Norco had knowledge of the ’193 patent prior to manufacturing and selling its strap bed lift. Norco at least had knowledge of the ’193 patent as of March 10, 2017 or as of the filing of this Complaint.

11. Upon information and belief, Norco had knowledge of Lippert’s Project 2000 strap bed lift prior to manufacturing and selling Norco’s strap bed lift or at least as early as when Norco began selling its strap bed lifts to Jayco for use in the same motorhome as Lippert’s Project 2000 strap bed lift.

Norco’s Infringing Activity

12. Norco recently began manufacturing and selling a strap bed lift in direct competition with Lippert’s Project 2000 strap bed lift. Norco’s strap bed lift, when installed in a vehicle, literally satisfies every limitation of at least claims 1, 3-7, and 10-11 in the ’193 patent.

13. Upon information and belief, Norco has infringed and continues to infringe the ’193 patent by making, using, offering to sell, and selling its strap bed lifts for use in recreational vehicles in the United States.

14. Photographs of a sample of Norco’s strap bed lift inside a Jayco motorhome are attached as Exhibit B.

15. Norco and Lippert both sell their respective strap bed lifts to Jayco, Inc., an Indiana corporation in the business of selling motorhomes or recreational vehicles ("RV"). In fact, Norco's and Lippert's strap bed lifts are in Jayco's Precept 36T Class A motorhome ("Precept 36T").

16. Jayco sells its Precept 36T across the United States through various dealers.

17. The use of Norco's strap bed lift inside the Precept 36T, or in any other vehicle, directly infringes at least claims 1, 3-7, and 10-11 of the '193 patent.

18. On information and belief, Norco instructs and teaches Jayco how to install the Norco strap bed lift in an RV like the Precept 36T, and has used the Norco strap bed lifts in an RV such as the Precept 36T, thereby directly infringing, inducing infringement of, and contributing to the infringement of at least claims 1, 3-7, and 10-11 of the '193 patent.

19. Norco's strap bed lift is specifically made and/or adapted for use in vehicles like the Precept 36T, or any other vehicle, to allow people to sleep inside the vehicle with a bed that can lower and raise, such as in an RV.

20. Norco's strap bed lift does not have any other substantial non-infringing use. Norco's strap bed lifts are a material component of the RVs they are used in. Norco specifically intended and intends for its strap bed lifts to be used in vehicles, knowing that such use will infringe the '193 patent.

21. Norco sells its strap bed lifts to Jayco solely to be used inside the Precept 36T. Norco had and continues to have knowledge that the induced acts of placing its strap bed lift into vehicles like the Precept 36T constitutes infringement of the '193 patent. By specifically and

actually intending to encourage the direct infringement by Jayco, Norco's actions induced the infringing acts, and Norco knew its actions would induce actual infringement.

22. Upon information and belief, Norco also contributorily infringes and induces infringement of at least claims 1, 3-7, and 10-11 of the '193 patent by making, using, offering to sell, and selling its strap bed lifts to Jayco or any other company for the sole purpose of putting the strap bed lifts inside a vehicle.

FIRST CAUSE OF ACTION
(DIRECT PATENT INFRINGEMENT)

23. Lippert re-alleges and incorporates by reference all of the foregoing paragraphs.

24. Norco's actions, as described above, and specifically Norco's unauthorized manufacture, use, offers to sell, and sales of Norco's strap bed lifts, constitute infringement of at least claims 1, 3-7, and 10-11 of the '193 patent under 35 U.S.C. § 271.

25. Upon information and belief, Norco's actions have been, and continue to be, knowing, intentional, willful, and deliberate.

26. Norco's acts of infringement of the '193 patent have caused, and will continue to cause, Lippert damages for which Lippert is entitled to recover compensation, pursuant to 35 U.S.C. § 284.

27. Norco's conduct, if allowed to continue, will also cause irreparable harm to Lippert, for which Lippert has no adequate remedy at law.

28. Lippert is entitled to injunctive relief prohibiting Norco from further making, using, selling, or offering to sell Norco's strap bed lifts without permission or license from Lippert under 35 U.S.C. § 283.

29. Norco has also profited from, and continues to profit from its strap bed lifts.

30. Lippert is entitled to disgorgement of Norco's profits resulting from its infringing activities as damages under 35 U.S.C. § 284.

31. Norco's continued manufacture, use, offers to sell, and sales of its strap bed lifts are deliberate and constitute a willful infringement of the '193 patent. Lippert is, therefore, entitled to treble damages and attorneys' fees and costs incurred in this action, along with prejudgment interest under 35 U.S.C. §§ 284 and 285.

SECOND CAUSE OF ACTION
(CONTRIBUTORY PATENT INFRINGEMENT)

32. Lippert re-alleges and incorporates by reference all of the foregoing paragraphs.

33. Norco's actions, as described above, and specifically Norco's unauthorized manufacture, use, offers to sell, and sales of Norco's strap bed lifts to put into vehicles such as Jayco's Precept 36T, constitute contributory infringement of at least claims 1, 3-7, and 10-11 of the '193 patent under 35 U.S.C. § 271.

34. Norco has known and continues to know that making, selling, using, or offering for sale its strap bed lifts to put into vehicles like Jayco's Precept 36T will infringe one or more claims of the '193 patent.

35. Norco's actions have been deliberate willful and with full knowledge of the '193 patent.

36. Norco's acts of contributory infringement of the '193 patent have caused, and will continue to cause, Lippert damages for which Lippert is entitled to recover compensation, pursuant to 35 U.S.C. § 284.

37. Norco's conduct, if allowed to continue, will also cause irreparable harm to Lippert, for which Lippert has no adequate remedy at law.

38. Lippert is entitled to injunctive relief prohibiting Norco from further making, using, selling, or offering to sell Norco's strap bed lifts without permission or license from Lippert under 35 U.S.C. § 283.

39. Norco has also profited from, and continues to profit from its strap bed lifts.

40. Lippert is entitled to disgorgement of Norco's profits resulting from its infringing activities as damages under 35 U.S.C. § 284.

THIRD CAUSE OF ACTION
(INDUCED PATENT INFRINGEMENT)

41. Lippert re-alleges and incorporates by reference all of the foregoing paragraphs.

42. Norco's actions, as described above, and specifically Norco's unauthorized manufacture, use, offers to sell, and sales of Norco's strap bed lifts to Jayco to put into vehicles such as Jayco's Precept 36T, constitute induced infringement of at least claims 1, 3-7, and 10-11 of the '193 patent under 35 U.S.C. § 271.

43. Norco has known and continues to know that making, selling, using, or offering for sale its strap bed lifts to Jayco to put into vehicles like Jayco's Precept 36T will infringe one or more claims of the '193 patent.

44. Norco's actions have been deliberate willful and with full knowledge of the '193 patent.

45. Norco's acts of inducing infringement of the '193 patent have caused, and will continue to cause, Lippert damages for which Lippert is entitled to recover compensation, pursuant to 35 U.S.C. § 284.

46. Norco's conduct, if allowed to continue, will also cause irreparable harm to Lippert, for which Lippert has no adequate remedy at law.

47. Lippert is entitled to injunctive relief prohibiting Norco from further making, using, selling, or offering to sell Norco's strap bed lifts without permission or license from Lippert under 35 U.S.C. § 283.

48. Norco has also profited from, and continues to profit from its strap bed lifts.

49. Lippert is entitled to disgorgement of Norco's profits resulting from its infringing activities as damages under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Lippert demands judgment against Norco as follows:

A. That the Court enter judgment in favor of Lippert and against Norco on all claims;

B. That Norco be adjudged and declared to have directly infringed at least one claim of the '193 patent with the Court entered judgment against Norco for direct infringement of the '193 patent;

C. That Norco be adjudged and declared to have contributorily infringed at least one claim of the '193 patent with the Court entering judgment against Norco for contributory infringement of the '193 patent;

D. That Norco be adjudged and declared to have induced infringement of at least one claim of the ’193 patent with the Court entering judgment against Norco for induced patent infringement of the ’193 patent;

E. That the Court enter a preliminary and permanent injunction prohibiting Norco from making, using, selling, distributing, or offering for sale it strap bed lift or any product that infringes the ’193 patent or was made for use with any other apparatus to infringe the ’193 patent;

F. That the Court order that Norco account to Lippert for all sales, revenues, and profits derived from the sale of Norco’s strap bed lifts and that three times Norco’s profits be disgorged and paid to Lippert pursuant to 35 U.S.C. § 284;

G. That the Court award Lippert, at its election, against Norco, either treble or statutory damages pursuant to 35 U.S.C. § 284;

H. That the Court award Lippert, against Norco, the costs of this action and reasonable attorneys’ fees and expenses pursuant to 35 U.S.C. § 285 and the equity powers of the Court;

I. That the Court award Lippert prejudgment interest against Norco on all sums allowed by law; and

J. That the Court award Lippert such other and further relief as the Court deems just and proper.

JURY DEMAND

Lippert demands a trial by jury on all claims and issues so triable.

DATED this 25th day of April, 2017.

Respectfully Submitted,

/s/ Brett R. Hummer
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